

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 13-1475

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Lucindo A. Mazariegos-Herrera; Daisy Mabel Mazariegos; Jason J.A.  
Mazariegos-Garcia; Benjamin Leiva Masariegos

*Petitioners*

v.

Eric H. Holder, Jr., Attorney General of United States

*Respondent*

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Petition for Review of an Order of the  
Board of Immigration Appeals

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Submitted: November 20, 2013  
Filed: December 5, 2013  
[Unpublished]

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Before LOKEN, BOWMAN, and GRUENDER, Circuit Judges.

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PER CURIAM.

Lucindo Mazariegos-Herrera, his wife Daisy Mazariegos, his son Jason Mazariegos-Garcia, and his uncle Benjamin Leiva Masariegos, citizens of Guatemala, petition for review of an order of the Board of Immigration Appeals (BIA) affirming an immigration judge's denial of their renewed and consolidated applications for

asylum and withholding of removal. We lack jurisdiction to review the BIA's determination that the asylum application of Mazariegos-Herrera and his derivative beneficiaries was barred as untimely filed. See 8 U.S.C. § 1158(a)(3); Ngure v. Ashcroft, 367 F.3d 975, 988–89 (8th Cir. 2004). After careful review, we conclude that the BIA's denial of asylum as to Leiva Masariegos—and its denial of withholding of removal as to all petitioners—was supported by substantial evidence on the record as a whole. See Cubillos v. Holder, 565 F.3d 1054, 1056 (8th Cir. 2009) (standard of review for denial of asylum); Menjivar v. Gonzales, 416 F.3d 918, 920–22 (8th Cir. 2005) (standard of review for denial of withholding of removal; discussing “unwilling or unable to control” standard for non-governmental persecution). Accordingly, we deny the petition for review. See 8th Cir. R. 47B.

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